

## **CHAPTER 4-07-34.1**

### **LOCAL COUNTY SOCIAL SERVICE MERIT SYSTEMS**

#### **Section**

4-07-34.1-01	Scope of Chapter
4-07-34.1-02	Procedures for Establishing a Local County Social Service Agency Merit System
4-07-34.1-03	Plan Approval
4-07-34.1-04	Merit Principles Requirements
4-07-34.1-05	Oversight and Audit Procedures
4-07-34.1-06	Noncompliance
4-07-34.1-07	Opt-Back-In Procedures

**4-07-34.1-01. Scope of chapter.** This chapter applies to county social service agencies that have opted not to be covered by the North Dakota merit system, but are required to comply with the federal standards for a merit system of personnel administration.

**History:** Effective October 1, 2008.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12

**4-07-34.1-02. Procedures for establishing a local county social service agency merit system.** A county board of commissioners or group of county boards in consultation with the social service board or boards that opts to establish a local merit system for the social service agencies shall develop a plan that includes policies and procedures that comply with the merit principles listed in section 4-07-34.1-04 and submit it to human resource management services and the department of human services for approval prior to implementation.

**History:** Effective October 1, 2008.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12

**4-07-34.1-03. Plan approval.** Human resource management services shall establish an effective date authorizing a county board of commissioners or group of county boards merit system after approval of the county plan.

**History:** Effective October 1, 2008.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12

**4-07-34.1-04. Merit principle requirements.** The following are the minimum merit system requirements that a county board of commissioners or group of county boards must address in its plan to establish a local merit system.

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment.

- a. A standard employment application form;
  - b. An application review and ranking process, applicant notification, and procedure for appeals of disqualification;
  - c. Referral of applicants to interviewer based on applicant ranking;
  - d. Compliance with North Dakota Century Code chapter 37-19.1, veterans' preferences;
  - e. Job announcements for internal and external recruitment; and
  - f. Position changes, including promotions, demotions, transfers, and reinstatements.
2. Providing equitable and adequate compensation.
- a. A classification plan, including class descriptions with minimum qualifications;
  - b. Individual job descriptions;
  - c. A salary administration plan with minimum salary range rates that are not less than the state merit system compensation plan;
  - d. Identified working hours; and
  - e. Leave policies, including holidays, annual, sick, military, funeral, jury and witness, workers' compensation, and family medical leave.
3. Training employees, as needed, to assure high-quality performance.
4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.
- a. A for-cause employment standard must be used;
  - b. A performance management program, including a minimum of an annual performance review;
  - c. A probationary period;
  - d. A corrective and disciplinary process, including use of progressive discipline; and

- e. Defined separations, including preaction process, dismissal, reduction-in-force, and expiration of appointment, including a formal appeal mechanism.
5. Assuring fair treatment of applicants and employees in all aspects of human resource administration without regard to political affiliation, race, color, national origin, sex, religious creed, age, or disability and with proper regard for their privacy and constitutional rights as citizens. This "fair treatment" principle includes compliance with the federal equal employment opportunity and nondiscrimination laws.
- a. Policies, including Americans With Disabilities Act, Fair Labor Standards Act, and Age Discrimination in Employment Act;
  - b. Compliance with federal and state equal employment opportunity and nondiscrimination laws including title VI and title VII of the Civil Rights Act of 1964, as amended, the North Dakota Human Rights Act, and the Public Employee Relations Act of 1985, as amended;
  - c. Grievance policy and procedure;
  - d. Appeals process to a neutral third party; and
  - e. Records management, including personnel files, records retention, open records, and compliance with the Health Information Portability and Protection Act.
6. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office and compliance with the federal Hatch Act.

**History:** Effective October 1, 2008.

**General Authority:** NDCC 14-02.4, 54-44.3-12

**Law Implemented:** NDCC 14-02.4, 54-44.3-12

**4-07-34.1-05. Oversight and audit procedures.** Human resource management services and the department of human services human resource division shall jointly conduct periodic audits or oversight reviews of local county merit system policies, procedures, and practices to ensure compliance with the local county merit system plan and federal merit system principles.

**History:** Effective October 1, 2008.

**General Authority:** NDCC 14-02.4, 54-44.3-12

**Law Implemented:** NDCC 14-02.4, 54-44.3-12

#### **4-07-34.1-06. Noncompliance.**

1. When a local county merit system is found to be out of compliance, the audit team shall recommend corrective action.
2. The county board of commissioners or group of county boards shall submit a corrective action plan within sixty days of receipt of the audit findings.
3. The county board of commissioners or group of county boards, human resource management services, and the department of human services shall negotiate a corrective action agreement within sixty days of receipt of the corrective action plan.
4. Upon approval of the corrective action plan, the county board of commissioners or group of county boards shall have an additional sixty days to implement the plan.
5. A followup audit shall be conducted within six months of the implementation date of the corrective action plan.
6. When a local county merit system is found to be out of compliance with the local county merit system plan and federal merit system principles after a followup audit, the county board of commissioners or group of county boards shall be required to be placed under the jurisdiction of the North Dakota merit system. All programs and policies, including salaries, must be adjusted to be in compliance with the North Dakota merit system. Any federal penalties that result from the noncompliance shall be the responsibility of the county board of commissioners or group of county boards.

**History:** Effective October 1, 2008.

**General Authority:** NDCC 54-44.3-12

**Law Implemented:** NDCC 54-44.3-12

**4-07-34.1-07. Opt-back-in procedures.** A county board of commissioners or group of county boards in consultation with the social service board or boards that opted out of the North Dakota merit system may opt back in the North Dakota merit system with the concurrence of human resource management services and the department of human services. All programs and policies, including salaries, must be adjusted to be in compliance with the North Dakota merit system.

**History:** Effective October 1, 2008

**General Authority:** NDCC 14-02.4, 54-44.3-12

**Law Implemented:** NDCC 14-02.4, 54-44.3-12